

REIBMAN & WEINER

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*Application
granted in
substantial part.*

September 30, 2010

BY ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*The settlement conference
will be held on November
4, 2010 at 2:00 p.m. Fact
discovery is extended
to January 14, 2011. Any
depositions
critical to settlement
discussions shall be
completed before the
conference*

Re: Gerald Ross v. City of New York, et al., depositions
09 CV 5653 (RRM) (RLM)

Dear Judge Mann:

I represent plaintiff Gerald Ross and write on behalf of all parties in accordance with the Court's Order of September 16, 2010. The parties propose that the settlement conference proceed on a date and time convenient to the Court but on or after November 1, 2010.

Plaintiff is alleging that, as a result of the force employed by the defendants, he suffered, in part, a fractured orbital bone, a detached vitreous, and a permanent change in his vision. This additional time requested will ensure that all of the relevant medical records have been obtained sufficiently in advance of the conference to allow for meaningful discussion of the injuries at issue.

SO ORDERED

*Roanne L. Mann
U.S. Magistrate Judge
Dated: 10/1/10*

With respect to discovery, the parties propose the following modifications to the existing schedule: fact discovery to be completed by January 17, 2011, with any interim expert discovery dates to be determined at the upcoming conference if the action is not otherwise resolved. The proposed deadline will account for the difficulties in completing depositions around the holiday season, as well as my anticipated vacation schedule. The parties have agreed to refrain from any depositions at this time in light of the pending settlement conference.

Thank you for your kind attention to this matter.

Respectfully submitted,

/s/

Michael Lumer (ML-1947)

cc: Katherine Smith, ACC (ECF)